

LONG CANYON MINE PROJECT

RECORD OF DECISION AND PLAN OF OPERATIONS APPROVAL

Long Canyon Mine Project
Final Environmental Impact Statement

3809 Plan of Operations, NVN-91032
DOI-BLM-NV-E030-2013-006-EIS

U.S. Department of the Interior
Bureau of Land Management
Elko District
Wells Field Office
3900 Idaho Street
Elko, Nevada 89801

RECORD OF DECISION AND PLAN OF OPERATIONS APPROVAL:

/s/ Jill C. Silvey

Jill C. Silvey
Elko District Manager

4/7/2015

Date Signed

SUMMARY

In March 2012, Newmont Mining Corporation, Inc. (Newmont) submitted a Plan of Operations (Plan) (NVN-91032) for the Long Canyon Mine Project (Project) to the Bureau of Land Management (BLM), Wells Field Office of the Elko District, pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and applicable regulations at 43 Code of Federal Regulations (CFR) § 3809 and § 3715. The Project includes three right-of-way actions, which are considered connected actions and therefore also analyzed in this environmental impact statement (EIS): a transmission line, a water pipeline, and a natural gas pipeline. Applications for rights-of-way on public lands administered by the BLM are subject to review and approval pursuant with the FLPMA and Right-of-Way regulations (43 CFR 2800). The right-of-way applications and associated Plan of Developments (POD's) have been submitted for the transmission line and water pipeline associated with the Cities' water supply. However, the application and POD for the natural gas pipeline for the project has not yet been submitted. Applications and PODs must be submitted and approved pursuant to the Right-of-Way regulations (43 CFR § 2800) prior to commencement of any right-of-way activities. Mining activities on split estate lands (public surface/private minerals) are also considered connected actions and therefore analyzed in the EIS; these activities will be authorized through a lease pursuant to Land Use Authorization regulations (43 CFR § 2920). Approval of a mine plan of operations under the Surface Management regulations, issuance of a rights-of-way grants under the Right-of-Way regulations, and issuance of a lease under the Land Use Authorization regulations constitute a federal action that is subject to the National Environmental Policy Act of 1969 (NEPA). The BLM determined that the Project constitutes a major federal action and determined that an EIS was required to fulfill the NEPA requirement

The Project will be located in the Pequop Mountains and Goshute Valley, in Elko County, Nevada, approximately 75 miles east of Elko, Nevada. The Project will be an open-pit gold mine and consist of the following major components: an open pit; heap leach pad; cyanide leach mill; waste rock storage facility (WRSF); tailings storage facility (TSF); water supply well(s); growth medium stockpiles; construction material borrow pits; haul roads and access roads; access gates and fencing; ancillary facilities; natural gas pipeline and a gas-turbine electric generating plant; and an electrical power transmission line. The Project will also include development of an alternative water supply and associated facilities for Wendover, Utah, and West Wendover, Nevada (Cities). Impacts related to the alternative water supply for the Cities were analyzed under the EIS but authorization for the water rights for the wells is subject to other agency approval, not the BLM. Access to the Project will be from Interstate 80 (I-80) at Exit 378 (Oasis/Montello Exit) via County Road 790.

Construction and operation of the mine will result in approximately 3,879 acres of disturbance that includes the previously authorized exploration disturbance of 394 acres (BLM Environmental Assessment DOI-BLM-NV-N030-2011-0001, June 2011). Approximately 1,707 acres of the disturbance will occur on public lands administered by the BLM. A portion of the open pit will be located on split estate lands; approximately 469 acres of split estate lands are included in the Project Area. Upon completion of mining, the Project will be reclaimed. The

expected Project life is 8 to 14 years, and includes construction, mining and ore processing, and final closure and reclamation.

On July 19, 2012, a Notice of Intent to prepare an EIS was published in the Federal Register (Volume 77, No. 139, Thursday, July 19, 2012, Page 42505). Three public scoping meetings were held August 6th, 7th, and 8th in 2012, in Wendover, Utah, and Elko and Wells, Nevada, respectively. The BLM extended the scoping period from the minimum 30 days to 45 days, which ended on September 4, 2012. A total of 34 letters and emails were received in response to the request for public comments regarding the Project and all were considered in preparation of the Draft EIS.

On March 21, 2014, a Notice of Availability was published in the Federal Register (Volume 79, No. 55, Friday, March 21, 2014, Page 15773) releasing the Draft EIS to the public for a 45-day comment period. The comment period ended on May 5, 2014. Three public meetings were held in 2014 on April 15th, 16th, and 17th in 2014, in Wendover, Utah, and Elko and Wells, Nevada, respectively. A total of 34 letters and emails were received in response to the request for public comments on the Draft EIS and all were considered in preparation of the Final EIS. Each comment, as well as a corresponding response, is provided in Chapter 7 and Appendix 7A of the Final EIS.

The Environmental Protection Agency (EPA) published a Notice of Availability for the Final EIS in the Federal Register (Volume 80, No. 6, Friday, January 9, 2015, Page 1430) on January 9, 2015, releasing the Final EIS for public review. During the review period, 12 comments were received and addressed in the Final EIS comment response table. The Final EIS is available on the BLM Elko District website at: <http://on.doi.gov/1xYFnbB>.

The BLM's selection of a Preferred Alternative was based on the BLM's NEPA analysis of the Project, including comments received throughout the NEPA process. The decision by the BLM Elko District Manager is to select the North Facilities Alternative along with the applicant committed environmental protection measures (EPMs) included in the Plan and the mitigation measures specified in Sections 4.2 through 4.18 of the Final EIS, as the BLM's Preferred Alternative. The Preferred Alternative is the alternative that best fulfills the agency's statutory mission and responsibilities, considering economic, environmental, technical, and other factors. The BLM has determined that implementation of this decision with the identified monitoring and mitigation measures will not cause unnecessary or undue degradation of the public lands.

Table of Contents

	<i>page</i>
Introduction.....	6
Decision	8
Environmental Protection Measures	8
Mitigation Measures	188
Management Considerations	211
Land Use Plan Conformance	222
Summary of the Proposed Action and Other Alternatives	222
Proposed Action.....	222
North Facilities Alternative (BLM Preferred Alternative)	233
No Action Alternative.....	244
Alternatives Considered but Eliminated from Detailed Analysis.....	244
Public Involvement	255
Cooperating Agency Coordination.....	266
Native American Consultation and Coordination	266
Appeal Statement	288
Surface Management Regulations (43 CFR 3809).....	288
Plan of Operations Approval	288
Decision	288
Reclamation Cost Estimate – Financial Guarantee Requirements	299
43 CFR 3809 Appeal Statement	30
Standards for Obtaining a Stay	30
Surface Occupancy Regulations (43 CFR 3715)	30
43 CFR 3715 Appeal Statement	31
Standards for Obtaining a Stay	32
Leases, Permits, and Easements (43 CFR 2920)	32
Land Use Authorization for Split Estate Lands	32
Rights-of-Way (43 CFR 2800).....	32
Power Supply Right-of-Way.....	32
Cities Water Supply Rights-ofWay	33

List of Appendices

Appendix A	Form 1841-1: Information on Taking Appeals to the Interior Board of Land Appeals
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List of Acronyms and Abbreviations

BBCS	Bird and Bat Conservation Strategy
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
CNHT	California National Historic Trail
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
EPM	Environmental Protection Measure
FLPMA	Federal Land Policy and Management Act
HPTP	Historic Properties Treatment Plan
I-80	Interstate 80
IBLA	Interior Board of Land Appeals
MDBM	Mount Diablo Base and Meridian
MOU	Memorandum of Understanding
NDEP	Nevada Division of Environmental Protection
NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act of 1969
NRHP	National Register of Historic Places
PGH	Preliminary General Habitat
POD	Plan of Development
PPH	Preliminary Priority Habitat
RCE	Reclamation Cost Estimate
RMP	Resource Management Plan
PMU	Population Management Unit
ROD	Record of Decision
SHPO	State Historic Preservation Office
TRMP	Trails Regional Mitigation Plan
TSF	Tailings Storage Facility
WRSF	Waste Rock Storage Facility

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Long Canyon Mine Project Final Environmental Impact Statement

**Plan of Operations Number: NVN-91032
Environmental Impact Statement: DOI-BLM-NV-E030-2013-006-EIS**

PREPARED BY:

Bureau of Land Management
Elko District
Wells Field Office
Elko, Nevada

COOPERATING AGENCIES:

Nevada Department of Wildlife
United States Environmental Protection Agency, Region IX
Confederated Tribes of the Goshute Indian Reservation
City of West Wendover, Nevada
City of Wendover, Utah
City of Elko, Nevada
City of Wells, Nevada
Elko County Board of Commissioners

INTRODUCTION

In March 2012, Newmont Mining Corporation, Inc. (Newmont) submitted a Plan of Operations (Plan) (NVN-91032) for the Long Canyon Mine Project (Project) to the Bureau of Land Management (BLM), Wells Field Office of the Elko District, pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and 43 Code of Federal Regulations (CFR) § 3809 and § 3715. The Project includes three right-of-way actions, which are considered connected actions and therefore also analyzed in this environmental impact statement (EIS): a transmission line, a water pipeline, and a natural gas pipeline. The right-of-way applications and associated Plan of Developments (PODs) have been submitted for the transmission line and water pipeline associated with the Cities' water supply. However, the application and POD for the natural gas pipeline for the project has not yet been submitted. Applications and PODs must be submitted and approved pursuant to the Right-of-Way regulations (43 CFR § 2800) prior to commencement of any of the right-of-way activities. Mining activities on split estate lands (public surface/private minerals) are also considered connected actions and therefore analyzed in the EIS; these activities will be authorized through a lease pursuant to Land Use Authorization regulations (43 CFR § 2920). Approval of a mine plan of operations under the Surface Management regulations, issuance of a right-of-way grant under the Right-of-Way regulations, and issuance of leases under the Land Use Authorization regulations constitute a federal action that is subject to the National Environmental Policy Act of 1969 (NEPA). The BLM determined

that the Project constitutes a major federal action and determined that an EIS was required to fulfill the NEPA requirements.

The Project will be located in the Pequop Mountains and Goshute Valley, in Elko County, Nevada, approximately 75 miles east of Elko, Nevada. The Project will be an open-pit gold mine and consist of the following major components: an open pit; heap leach pad; cyanide leach mill; waste rock storage facility (WRSF); tailings storage facility (TSF); water supply well(s); growth medium stockpiles; construction material borrow pits; haul roads and access roads; access gates and fencing; ancillary facilities; natural gas pipeline and a gas-turbine electric generating plant; and an electrical power transmission line. The Project will also include development of an alternative water supply and associated facilities for Wendover, Utah, and West Wendover, Nevada (Cities). Impacts related to the alternative water supply for the Cities were analyzed under the EIS but authorization for the water wells is subject to other agency approval, not the BLM. Access to the Project will be from Interstate 80 (I-80) at Exit 378 (Oasis/Montello Exit) via County Road 790.

The Project Area consists of a combination of public and private lands, with some split estate lands. The Project Area is located in all or parts of Mount Diablo Base and Meridian (MDBM), Township 35 North (T35N), Range 66 East (R66E), Sections 1 through 6, and 9 through 16; T36N, R65E, Sections 24 and 25; T36N, R66E, Sections 11 through 15; 17, and 19 through 36. The Project Area, which covers approximately 24,779 acres, includes the mine pit and production facilities.

The BLM served as the lead agency for preparing the EIS. The Nevada Department of Wildlife (NDOW); United States Environmental Protection Agency, Region IX (EPA); Confederated Tribes of the Goshute Indian Reservation; City of Elko, Nevada; City of Wells, Nevada; Elko County Board of Commissioners; and the Cities served as cooperating agencies for preparation and review of the EIS. The EIS considered the quality of the natural environment based on the physical impacts to the public, private, and split estate lands that may result from implementation of the Project.

The Proposed Action, the North Facilities Alternative, and the No Action Alternative were analyzed in the Draft and Final EIS. In addition, nine alternatives were considered but eliminated from detailed analysis. The action alternatives were considered in the context of addressing the identified purpose and need, their technological and economic feasibility, as well as their potential to address environmental issues and reduce potential impacts. The No Action Alternative considered the continuation of Newmont's currently authorized exploration activities, without the development of the Project.

DECISION

The decision of the Elko BLM District Manager is to select the North Facilities Alternative along with the applicant committed environmental protection measures (EPMs) included in the Plan and the mitigation measures specified in Sections 4.2 through 4.18 of the Final EIS. This ROD authorizes the final Plan dated March 2012, and updated March 2015. The BLM decision is based on the final Plan (NVN-91032), submitted to the BLM pursuant to 43 CFR § 3809 and § 3715, and the analysis in the Final EIS.¹ The BLM has determined that implementation of this decision with the identified applicant committed EPMs, as incorporated in the Plan and restated in Section 2.2.18 of the Final EIS, along with the monitoring and mitigation measures included in Sections 4.2 through 4.18 of the Final EIS, will not cause unnecessary or undue degradation of the public lands.

In accordance with 40 CFR § 1505.2(c), the mitigation measures and EPMs represent all practicable means to avoid or minimize environmental harm from the BLM's Preferred Alternative. The EPMs, which were developed to avoid or minimize environmental impacts resulting from the selection of the BLM's Preferred Alternative, have been adopted and incorporated into the updated Plan. All EPMs were designed to avoid or minimize environmental impacts to resources affected by the Plan. All mitigation within the BLM's authority will be implemented and enforced. All mitigation was designed to be effective and is listed below.

EPMs

Newmont would implement numerous environmental protection and management practices based on current technology, Best Management Practices (BMPs), Newmont's Sustainability and External Relations (SER) standards, the International Cyanide Management Code, the International Organization for Standardization (ISO) 14001 Environmental Management System, and federal, state, and local laws and regulations. In compliance with 43 CFR 3809.420(b), Newmont has developed specific performance standards. Collectively, these are referred to as EPMs; these EPMs have been adopted and incorporated into the Project and Plan as design features. The purposes of these measures are to ensure responsible mining operations, reduce adverse impacts, avoid undue and unnecessary effects to human health and the environment, and to reclaim disturbed areas.

Air Quality

- Identify and control point source and non-point source forms of air emissions for construction, operations, closure, and reclamation. Develop an emissions inventory to quantify pollutants.
- Design, construct, and operate Long Canyon Project facilities with appropriate air pollution controls to comply with applicable regulations and air quality permits issued by the NDEP, Bureau of Air Pollution Control, and the EPA National Ambient Air Quality Standards (NAAQS).

¹ The Project and Plan include activities which required the issuance of three ROWs and a lease. These are connected actions and are therefore analyzed in the EIS. However, the BLM will issue separate decision documents for these actions.

- Process carbon at Newmont's Gold Quarry facility near Carlin, Nevada, which utilizes maximum achievable control technology (MACT) to control mercury emissions. There are negligible amounts of mercury present in the Long Canyon Project ore.
- Use BMPs to control fugitive dust generation. This would include dust control for site access and haul roads using periodic watering and/or chemical treatment. A water truck would run periodically in the drier months, wetting the roads to minimize dust.
- Install water sprays and/or baghouse dust collectors at the ore crushing system and at ore reclaim feeders that deliver ore to the grinding circuit.
- Maintain internal combustion engines (diesel or gasoline powered) for efficient operation and to minimize emissions. Operate any on-site stationary diesel generators under air quality limitations required by NDEP air quality rules and regulations.
- Provide busing and/or van pooling for Newmont employees working at the Long Canyon Project to minimize traffic and emissions.

Hazardous Materials

- Transport hazardous chemicals to the mine site in USDOT-certified containers and transporters that would comply with USDOT, Occupational, Safety and Health Administration (OSHA), and MSHA regulations.
- Personnel transporting, handling, or using any hazardous chemicals (including sodium cyanide) would be trained to ensure the safe use of such materials.
- Store hazardous chemicals in designated areas with secondary containment for safety and to prevent environmental releases.
- The heap leach, mill, and TSF would be designed as zero discharge facilities to prevent release of process solutions and wastes to the environment.
- Store fuel and other petroleum products at the site in above-ground tanks, with secondary containment measures. Newmont would maintain a SPCC Plan for the operation as required by 40 CFR 112 regulations.
- Maintain a site-specific Emergency Response Plan to respond to spills and releases at the Long Canyon Mine. The procedures outlined in the Emergency Response Plan would be followed to protect the environment, the health of employees and the general public, and to comply with federal and state regulations.
- Develop a mine-site petroleum-contaminated soil (PCS) management plan compliant with NDEP regulations.

Cultural and Historic Resources

- Prior to disturbing new areas, cultural surveys would be conducted by archaeologists under guidance from the BLM and the State Historic Preservation Office (SHPO). Newmont would avoid identified cultural resource sites (historic or pre-historic) or, if disturbance is unavoidable, mitigate to meet BLM and SHPO requirements. Mitigation for cultural resources is described in Section 2.7.2.2.
- Inform all employees and contractors about relevant governmental regulations intended to protect cultural and historic resources, including that it is illegal to collect artifacts, or to damage or vandalize archaeological, historical, or paleontological sites or artifacts within them.
- If previously unidentified cultural resources are discovered or an unanticipated impact situation occurs, all project-related activities within 100 meters of the discovery/impact would cease immediately and Newmont would secure the location to prevent vandalism or other damage, and would notify the BLM authorized officer immediately. Activity at the location would be suspended until after the discovery has been evaluated, any necessary EPMs completed and the BLM authorized officer has issued a written Notice to Proceed.
- Newmont, its employees and contractors, would abide by all laws and regulations related to cultural and historical artifacts (Section 3.11).

Health and Safety

Health and safety aspects would be considered an integral part of planning and operation at the site, and have the highest priority in the operation of the Long Canyon Project. Newmont would operate under the company's HSLP standards and systems, including standard operating procedures, and MSHA requirements and regulations.

- Provide first aid supplies at various locations around the mine site, including the main administrative offices and the mill facility.
- Maintain a mine emergency vehicle at the site, which would be parked in the warehouse/shop building, and would be available for mine emergency situations.
- Establish a mine rescue team that would include certified Emergency Medical Technicians (EMTs) on-site on any given shift.
- Conform to health and safety rules and regulations of MSHA. Such MSHA regulations require worker safety training and the maintenance of a ground control plan for mining operations.
- Maintain a training room in the administrative office building. Newmont has new miner and refresher training as part of its Nevada operations.

- Manage public access on the project site to restrict unauthorized entry and provide for public safety.

Land Use

- Minimize disturbance by maintaining as compact an operation as practicable.
- Install and/or maintain fences around portions of the Plan boundary and cattle guards on access roads to preclude livestock access to the site, while allowing wildlife passage.
- Reclamation would return disturbed sites to a productive condition following operations.

Noise

- MSHA governs worker health and safety, which includes requiring hearing protection for workers in high noise areas.
- Enclose sources of noise in the mill circuit within the mill building.
- Maintain internal combustion engines associated with the Long Canyon Project to minimize noise.
- Limit blasting to either midday or early afternoon to minimize disruption.

Recreation

- Allow only authorized travel into the Plan boundary to protect public safety. No unauthorized vehicles, personnel, alcohol, illegal drugs, or firearms would be permitted on-site. Roads within the project area would be closed for public safety.
- Implement plans to control public access into the mine area using fencing, gate locking, security personnel, and/or notice postings to prohibit unauthorized entry. Signs would be posted outside the mine area to redirect public travel as required. The signs would specify that Goshute Valley is accessible from the Shafter exit (i.e., Exit 387) on I-80, and include a map to the exit.
- Prevent hunting within areas posted or fenced during the mine operation, but hunting would continue on public lands outside of fenced or posted project areas.
- Inform employees, contractors, and subcontractors that long-term camping (greater than 14 days) is prohibited on federally-administered lands.
- The mine perimeter fence would be a three-strand, 38-inch fence with the top and middle barbed. In areas of heavy cattle pressure, the fence would be a four-strand fence with three-barb strands plus a smooth wire bottom strand to facilitate wildlife movement. Newmont would use topographic features and ridgeline as the barrier at upper elevations.
- Instigate an orientation program for employees and contractors on the wildlife resource of the area. Make sure personnel are aware that it is prohibited to harass wildlife.

Sanitary and Solid Waste

- Collect, treat, and dispose of sanitary waste in accordance with all applicable codes and regulations.
- During construction, development, and mining activities contain trash and other miscellaneous inert (non-hazardous) garbage in on-site containers, and then haul to an on-site landfill for disposal.
- Prevent open burning of garbage and refuse at the site.
- Store petroleum waste products, spent solvents, maintenance wastes, and hazardous wastes in approved containers separate from other trash products and transport these materials off-site for recycling or disposal in approved waste facilities.

Social and Economic Resources

- Implement hiring practices that encourage the use of local contractors and workers to the extent available.
- Maintain a comprehensive program of health and safety training for employees. This program would include environmental considerations.

Soils

- Remove growth medium (soil) from areas that would be affected by project operations and surface facilities.
- Salvaged growth medium would either be stockpiled or would be directly reapplied on concurrent reclamation areas. If stockpiled, growth medium would be kept out of drainage areas and seeded to prevent water and wind erosion.
- Use salvaged and stockpiled growth medium in final reclamation activities upon permanent closure of the Long Canyon Project.
- Implement a noxious weed program to prevent noxious weeds from colonizing growth medium stockpiles.

Stormwater

- Maintain a stormwater permit for the Long Canyon Project site. Stormwater features and facilities would include diversion ditches, culverts, stormwater basins, sediment ponds, etc.
- Route runoff around the WRSF, ore stockpiles, the TSF, the heap leach facility, the mine administration, shop, and mill facility area; and, as practical, the mine pit area.
- Route runoff generated from precipitation on disturbed areas into ditches or through culverts toward stormwater basins, where sediment can collect and water can evaporate or percolate into the ground.

Vegetation and Noxious Non-Native Species

- Minimize removal or disturbance of vegetation by limiting the area of disturbance to the extent practicable to maintain safe and efficient operations.
- Remove vegetation and soil in a manner that minimizes erosion and sedimentation. Riparian vegetation would be avoided to the extent practicable.
- Stabilize and seed disturbed areas in accordance with BLM- and NDEP-approved guidelines and standards using certified weed-free materials.
- Use certified noxious weed-free seed mixtures as part of interim, concurrent, and final reclamation.
- Newmont would be responsible for noxious weed control within areas disturbed by project activities. The list of noxious weeds requiring control would be obtained from the BLM and the United States Department of Agriculture. Weed control would be accomplished using a number of appropriate tactics, including cultural, mechanical, biological, and chemical controls. Only BLM approved herbicides would be used on lands administered by the BLM.
- Prior to commencement of construction activities, all contractor vehicles and equipment arriving from off-site would be pressure washed prior to being allowed on the property. Company vehicles and other vendor or visitor light vehicles that have come from non-established roads would also be pressure washed during construction and active operation prior to being allowed on the property. Washing practices are to include the undercarriage and wheels.

Visual Quality

- The Long Canyon Project would conform to applicable BLM visual management requirements for this area. Newmont would use early planning and design features to minimize contrast with the surrounding landscape to meet the Visual Resource Management (VRM) objectives of the area.
- To the extent practicable, interim and concurrent reclamation practices would be implemented.
- Final reclamation would restore disturbed areas to blend with the surrounding landscape.
- External lighting would be kept to the minimum required for safety and security purposes.
- Lights would be directed down toward the interior of the project site. All proposed lighting would be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures would be hooded and shielded, face downward and directed on to the pertinent site only, and away from adjacent parcels or areas except where necessary for safety.

- A lighting plan would be developed indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan.
- Any required FAA lighting would be consolidated and minimized wherever possible.
- Existing utility corridors, roads and areas of disturbed land would be utilized wherever possible.
- Non-reflective, earth tone paints would be used on mine site buildings and other structures.

Water Resources

Newmont would implement BMPs for erosion and sediment control. These measures include the following:

- Remove vegetation only from those areas to be directly affected by project operations and only from areas directly ahead of operations.
- Schedule soil removal activities for dry months when possible to reduce the potential for erosion and soil losses.
- Design cut-and-fill slopes for access and haul roads to prevent soil erosion. Drainage ditches, with cross drains and/or culverts would be constructed as necessary.
- Route runoff from roads, building sites, and parking lots through sediment traps, settling ponds, berms, wattles, sediment filter fabric, etc. Design of these features would be based on NDEP requirements and analysis of local hydrologic conditions.
- Avoid off-road vehicle traffic.
- Construct and maintain diversions around disturbed areas to minimize erosion. When appropriate, sediment would be removed from these diversions and deposited in the WRSF.
- Implement reclamation and revegetation as soon as practical for long-term stability and erosion control.
- Reclaim clay borrow pits as wetlands (Section 2.2.17, Reclamation).
- All drill holes would be plugged and abandoned per NAC 534 in order to prevent adverse changes in groundwater quality and quantity, and ensure the safety of people, livestock, and wildlife within the Project Area. According to NAC 534.420, a cement cap would be placed directly on top of settled, set-up, acceptable abandonment material from a depth of at least 20 feet to the surface of the well.

- In coordination with the Cities' hydrologic consultants and supplementing existing hydrogeologic testing, conduct additional bedrock and alluvial aquifer tests to quantify potential effects of pumping on local and regional aquifers. Newmont would share local and regional hydrologic information generated associated with the development of the Long Canyon Project to the extent permitted by disclosure laws applicable to publicly-held companies.
- Newmont has coordinated with the Cities' hydrologic consultants in developing a general hydrologic study of the northern part of the Goshute Valley with a goal of assessing the adequacy of the valley aquifer to supply water to the Cities' Shafter well field and potential effects from continual mine production pumping. Newmont would continue to work with the Cities to expand and refine this study and to develop contingency plans for assuring that adequate water is available to the Cities (Appendix 2A).

Wildlife

- Minimize disturbance to wildlife habitat by maintaining a compact operation.
- Conduct clearance surveys for migratory birds during the appropriate season (March 15 to July 31) before disturbance of new areas. Surveys must occur no more than 14 days prior to initiation of disturbance. If active migratory bird nests are identified, Newmont would coordinate with the BLM and NDOW to develop appropriate protection measures for these sites, which may include avoidance, construction constraints, or buffer establishment. This includes surveys for active raptor nests. If active raptor nests are identified, Newmont would work with the BLM and NDOW to coordinate protection and avoidance of these nests until the young have fledged.
- Clear vegetation only in those areas necessary for project activities.
- Establish a 45-mile per hour speed limit for the main access road (county road). Speed limits within the mine (from the fence line) would be restricted to a 35-mile per hour speed limit. This would reduce the potential for vehicle/wildlife collisions. Any vehicle/wildlife collisions would be reported to NDOW in compliance with the Artificial Industrial Pond Permit (as well as process solution mortalities, big game, special status species, federally-protected species, or other mortalities where appropriate).
- Prohibit hunting or discharge of firearms during construction, development, or mining operations within the fenced Plan boundary of the Long Canyon Project.
- Design and construct electric power structures within the Long Canyon Project boundary to deter avian perching, predation, and nesting. Incorporate perching deterrents to reduce electrocution of birds. All electrical structures and facilities constructed under the Proposed Action would be Avian Power Line Interaction Committee compliant for avian safe designs.
- Install a wildlife exclusion fence around the TSF and the heap leach facility, but all other fences would meet BLM specification. The mine perimeter fence would be a three-

strand, 38-inch fence with the top and middle barbed. In areas of heavy cattle pressure, the fence would be a four-strand fence with three-barb strands plus a smooth wire bottom strand to facilitate wildlife movement. Reflectors would be installed where appropriate to reduce greater sage-grouse collisions. Newmont would use topographic features and ridgeline as the barrier at upper elevations.

- Where feasible, in coordination with grazing practices, Newmont would lay down fencing in mule deer migration corridors during the migration seasons. The appropriate locations and seasons would be coordinated with BLM and NDOW.
- There would not be wildlife exclusion fencing around the mine pit post-closure.
- Comply with NDOW Artificial Industrial Pond Permit requirements. Current design for ponds is to utilize ponds as event ponds and not production ponds. Solutions coming from the heap leach and TSF would be directed into process solution tanks. The event ponds would only be used under upset conditions when the tanks cannot contain the entire flows.
- Instigate an orientation program for employees and contractors to be educated on the wildlife resources in the area. All personnel would be trained and made aware of wildlife issues.
- Maintain the 500-foot mule deer migratory corridor between the mine pit and the WRSF.
- Pygmy rabbit habitat would be mowed at least 72 hours before any ground-disturbing activity to encourage dispersal from that area.
- Along the haul road, cuts in berms would be placed along each side of the haul road to allow for mule deer crossing. Berm cuts would be coordinated with BLM, NDOW, and MSHA in order to meet the needs of all agencies and may be adjusted based on migration movement.
- Apply seasonal operational limitations for exploration activities when mule deer are migrating to their wintering grounds or if they are wintering in the Plan boundary during the timeframes established by NDOW. Limitations on the amount of surface disturbing activities, type and scale of exploration, location of disturbance, and timing of disturbance would be developed annually in consultation with the BLM and NDOW by assessing on-the-ground conditions in the Plan boundary using existing and future deer tracking data (collared studies and survey flights) from NDOW.

Access Control

- Only authorized travel would be allowed into the Plan boundary to protect public safety. No unauthorized vehicles or personnel would be permitted on-site. The Long Canyon road would be closed to the public, in compliance with MSHA regulations.

- Newmont would implement plans to control public access into the mine area using fencing, gate locking, security personnel, and/or notice postings to prohibit unauthorized entry. Signs would redirect public to available access routes outside the mine area.
- Public access to the Goshute Valley south of the project would be via the Shafter exit 387 off I-80 and existing roads.

Fire Prevention and Procedures

- Comply with applicable federal and state fire law and regulations. Take all reasonable and practical measures to prevent and suppress fires in the area of operations.
- Follow project-specific Site Emergency Response Plan fire procedures. This plan includes procedures for mine structure/surface fires, mobile equipment fires, wildland fires, Liquefied Petroleum Gas/natural gas fires, and explosive fires.
- Report all fires to the HSLP Manager. The HSLP Manager would report to the BLM and MSHA as appropriate. The insurance company would also be notified. Proper documentation would be kept (i.e., pictures, date, time, circumstances, etc.). Documentation is the responsibility of the area Supervisor and HSLP Manager.

Based on comments that were submitted on the Final EIS, Newmont has also agreed to the following EPMs for water resources and wildlife:

- Newmont Mining Corporation (Newmont) and Elko Land and Livestock Company (ELLCo), the owner of private lands within the Plan of Operations boundary, will establish a Technical Working Group (TWG) with the US Fish and Wildlife Service (USFWS). The purpose of the TWG is to develop and guide implementation of an ecological study plan for the Johnson Springs Wetlands Complex to better understand the nature and extent of Relict Dace (*Relictus solitarius*) habitat, use of such habitat by Relict Dace, distribution of Relict Dace, other hydrologic and environmental aspects, and appropriate management actions to provide for persistence of Relict Dace populations in the wetlands complex. The TWG will also guide development and implementation of a management plan for the wetlands complex. Newmont, ELLCo, and USFWS will develop a Letter of Agreement or Memorandum of Understanding to guide the operation of the TWG. Such an instrument will be prepared within 90-days of execution by the BLM of the Record of Decision for the Long Canyon Project.
- Newmont and ELLCo, in consultation with the USFWS, will implement the management plan, monitor its effectiveness, and utilize the information resulting from monitoring. The conservation practices associated with the management plan may be adapted and the plan modified in response to monitoring.

- Newmont will monitor the Johnson Springs Wetlands Complex in an effort to preclude the establishment (presuming none are present) of non-native fishes. If non-native fish are identified, Newmont will engage with appropriate agency resources and work toward elimination of invading fishes.
- Newmont and ELLCo will monitor water quality and quantity monthly and use the resulting information in managing the Johnson Springs Wetlands Complex to provide for the persistence of Relict Dace.
- Newmont will recalibrate the Long Canyon Project Hydrologic Model, utilizing empirical data, and use the model results to guide management of the Johnson Springs Wetlands Complex to provide for the persistence of Relict Dace.
- Monitoring reports will be prepared and submitted to BLM, USFWS, and NDEP annually for five years. Model recalibration will occur at three years and five years following the commissioning of the production well. Newmont and BLM will hold semi-annual meetings to discuss the monitoring reports and the status of water resources within the Plan boundary.

Mitigation Measures

Methods to minimize environmental effects from the BLM's Preferred Alternative have been identified in the Final EIS and made part of this ROD. A full discussion of these measures can be found in Chapter 4 of the Final EIS. Newmont will implement and adhere to all mitigation measures within the BLM's authority as identified below.

Wildlife Resources, Including Special Status Wildlife and Migratory Birds

Mitigation

Mule Deer

Mitigation Measure W-1

Newmont would mitigate crucial winter habitat at a 1:1 ratio for permanent habitat lost during construction and operation of the mine. Mitigation under this measure would occur on mule deer habitat that is not also categorized as greater sage-grouse habitat.

Mitigation would include habitat enhancements within the northwest corner of the Plan boundary; however, if exploration/mining activities expand within the mitigated/enhanced habitat, then Newmont would continue to mitigate loss of habitat at the 1:1 ratio. These additional enhancements would occur off-site. Off-site, but regionally important, habitat enhancements could include funding locations in the South Pequop Range/Spruce Mountain for pinyon-juniper thinning, browse species seeding, or other habitat enhancements beneficial to the Area 7 mule deer. A Memorandum of Understanding between BLM, NDOW, and Newmont would be established to guide mitigation funding and enhancement projects. Mitigation costs would be \$600 per acre. Table 1 provides the proposed disturbance to public land that would be mitigated under this mitigation measure.

Table 1 North Facilities Alternative Mule Deer Crucial Winter Habitat Mitigation Acres (Public Acres)

Mule Deer Crucial Winter Habitat on Public Land	749
Overlap with Greater Sage-grouse Mitigation	-151
Total Mule Deer Crucial Winter Habitat Mitigation Acres	598

Aquatic Species

Mitigation Measure W-2

During operation of the mine Newmont would conduct monitoring of water resources in accordance with the monitoring program developed for the state permits. If there is a significant change noted during this monitoring Newmont would inform the BLM of the changing conditions and the BLM would then determine if a working group is necessary to develop a management strategy for sensitive species using the wetland and riparian resources.

At the end of the operation the BLM would look at the conditions and available information on the spring system and determine if it is necessary to develop a working group and management strategy for the system to protect sensitive species using the wetland and riparian resources. The CEQ regulations, and CEQ and BLM guidance, require that all relevant, reasonable mitigation measures that could improve the project be identified even if those measures are outside the jurisdiction of the agency and would not be committed as part of the ROD. *See* 40 CFR §1502.16(h) and §1505.2(c); CEQ Forty Most Asked Questions, question 19b; and BLM NEPA Handbook H-1790-1 (BLM NEPA Handbook), section 6.8.4. In accordance with 40 CFR §§ 1502.16(h) and 1505.2(c), section 6.8.4 of the BLM NEPA Handbook, and question 19b of CEQ's Forty Most Asked Questions, BLM identified additional mitigation measures for aquatic species, such as a conservation easement, but Newmont did not agree to the additional measures. (FEIS, page 4-34, Section 4.2.3). The mitigation measures could not be committed as part of the ROD because the measures are outside the jurisdiction of the agency.

Greater Sage-Grouse

Mitigation Measure W-3

A seasonal restriction would be in place for exploration drilling. This restriction includes no exploration disturbances within a three-mile radius of the Big Springs lek from March 1 to May 15 from 5 AM to 10 AM.

Mitigation Measure W-4

A seasonal restriction for the use of the south borrow pit, access road to the borrow pit, the Cities' water supply area, and the access to the Cities' water supply area would be in place. The restriction includes no human or vehicular access from March 1 to May 15 from one hour before sunrise to 10 AM. Emergency access, if necessary, to the Cities' water supply area during these seasonal restrictions would be coordinated with the BLM.

Mitigation Measure W-5

Compensation for impacts to greater sage-grouse habitat within the project area would be required by the BLM. Funding for habitat improvement on public land would be based on the acres of Preliminary General Habitat (PGH) and Preliminary Priority Habitat (PPH) habitat impacted on public land by the proposed project. Funding from Newmont would occur to

support off-site habitat improvement projects to improve greater sage-grouse PGH and PPH habitat. Habitat improvement projects would take place within the East Valley Population Management Unit (PMU) or adjacent PMUs. The funding would be no more than 3:1 ratio for PPH and 2:1 PGH at \$600 per acre. Mitigation compensation would be assessed annually based on the disturbance planned for the upcoming year. All aspects of greater sage-grouse mitigation would be outlined in the Memorandum of Agreement between BLM and Newmont. Table 2 provides the proposed disturbance to public land that would be mitigated under this mitigation measure.

Table 2 North Facilities Alternative Greater Sage-Grouse Mitigation Acres (Public Acres)

PPH Habitat	
Mining and Processing Facilities	590
Power Supply Pipeline	66
Cities' Water Supply	11
Total PPH	667
PGH Habitat	
Mining and Processing Facilities	152
Power Supply Pipeline	1
Cities' Water Supply	2
Total PGH	155

Mitigation Measure W-6

Newmont would install flight diverters on fencing near the greater sage-grouse lek and brood-rearing habitat to reduce collisions. The placement of the flight diverters would follow the recommendations provided in the current industry standards and coordinated with BLM and NDOW. Additionally, Newmont would fully implement recommendations in their Bird and Bat Conservation Strategy (BBCS).

Golden Eagle

Mitigation Measure W-7

Newmont's BBCS was developed in coordination with the BLM and NDOW to avoid or minimize potential impacts to raptors, migratory birds, and bats from mine construction and operations. Newmont would fully implement and adhere to the construction techniques, design standards, and avian injury and mortality reporting set forth in the BBCS.

Cultural Resources and National Trails

Mitigation Measure C-1

A Programmatic Agreement between BLM, Nevada State Historic Preservation Office (SHPO), and Newmont has been developed for direct impacts to cultural resources which outlines how NRHP-eligible cultural resources would be managed throughout the life of the project. An Amendment to the Programmatic Agreement states how properties would be managed from indirect effects through a Historic Properties Treatment Plan (HPTP).

Mitigation Measure C-2

A HPTP has been developed to define how National Register of Historic Places-eligible cultural resource sites within areas of proposed disturbance would be mitigated.

Mitigation Measure C-3

The Programmatic Agreement currently in place has been amended to add the indirect Area of Potential Effects. An analysis report has been initiated to assess the indirect effects such as noise and visual on cultural resources including the Hastings Cutoff and other historic properties within the Area of Potential Effects which could be affected from the proposed project. The Programmatic Agreement Amendment directs that a HPTP be developed to mitigate the indirect adverse effects on the identified historic properties. All mitigation would be concurred upon with the BLM and Nevada SHPO. Other parties may be included such as National Park Service for the Hastings Cutoff.

MANAGEMENT CONSIDERATIONS

The rationale for the above decision is supported by the Surface Management regulations (43 CFR § 3809 *et seq.*), Right-of-Way regulations (43 CFR § 2800 *et seq.*), Land Use Authorization regulations (43 CFR § 2920 *et seq.*), FLPMA, and the Mining Law of 1872, as amended. The Project has been analyzed under the CEQ implementing regulations for NEPA (40 CFR § 1500 *et seq.*) and none of the alternatives that were analyzed in detail were found to result in unnecessary or undue degradation of public lands. Selection of the BLM's Preferred Alternative will allow Newmont to undertake a legitimate use of the public lands in an environmentally sound manner without causing unnecessary or undue degradation to the public lands.

The BLM's selection of the Preferred Alternative was primarily based on the avoidance and minimization of impacts to cultural resources and several wildlife species, including greater sage-grouse and mule deer, while still allowing recovery of the identified mineral resource within the Project Area. The Preferred Alternative also responds to requests from the Cities related to potential impacts to their water supply (Big Springs and groundwater). Permitting the North Facilities Alternative will allow Newmont to employ approximately 300 to 500 permanent work force employees for the 8- to 14-year production life of the mine. Between 300 and 400 workers will be hired for construction of the mine.

Under the No Action Alternative, the gold resources within the Project Area would not be developed. Also, no additional permanent jobs would be made available to Nevada or nearby Utah and local economies. Selection of this alternative would not comply with 43 CFR § 3809.411(d).

The BLM, NDOW, and Newmont have collaborated to develop measures designed to reduce environmental impacts that may result from the Project. Applicant committed EPMs identified in the Plan and the mitigation measures outlined above will reduce adverse environmental impacts identified in the Final EIS. Monitoring requirements of the Plan and the Final EIS will assist Newmont, the BLM, and others in identifying, mitigating, or avoiding unforeseen environmental impacts that may occur.

The BLM in coordination with the Nevada Division of Environmental Protection (NDEP) has determined that a reclamation bond adequate to cover surface reclamation of the Project facilities is required.

Land Use Plan Conformance

The BLM has the responsibility and authority to manage the surface and subsurface resources on public lands located within the jurisdiction of the Wells Field Office, and the public lands within the Project Area are open for mineral exploration and development. The public lands within the Project Area are managed in accordance with the Wells Resource Management Plan (RMP). The Preferred Alternative is in conformance with the Wells RMP and its ROD.

SUMMARY OF THE PROPOSED ACTION AND OTHER ALTERNATIVES

Proposed Action

The Project is a gold mine and includes a power line, access roads, and associated mine-processing facilities. Specifically, proposed Project components would include:

- Access from I-80 at Exit 378 (Oasis/Montello Exit) via Elko County Road 790;
- An open pit that accesses oxide gold ore;
- A west access gate in Long Canyon, which would be closed to the public;
- Ore beneficiation methods (to remove the metal value from the ore) include cyanide heap leaching (to beneficiate lower grade oxide ore) and a cyanide leach mill (to beneficiate higher grade oxide ore);
- WRSF to contain all net neutralizing or non-potential acid generating waste rock generated in the mine;
- Synthetic-lined TSF to receive tailings slurry from the mill from which reclaimed water would be recycled back to the mill;
- Mine haul and access roads;
- A water supply well or wells and a supply system for drinking water, water for dust control, ore beneficiation activities, and fire protection;
- Support facilities for temporary ore storage, truck scale, administration office, first aid and safety related facilities, parking, maintenance shop, warehouse, fuel storage, ammonium nitrate and explosives storage, communications facilities, landfill, contractor/construction laydown and office area, and assay lab/sample preparation facility;
- Power supply utilizing the existing electric distribution line and infrastructure owned by Wells Rural Electric Company to the Oasis substation, and from Oasis substation, a new power line to the mine site to provide power for the heap leach facility, and other applications;
- Power supply for the mill operations consisting of a gas-turbine electric generating plant and a gas pipeline constructed to bring natural gas from the Ruby Pipeline to the site;

- Alternative water supply and associated facilities for the Cities to replace that portion of their current water supply, which comes from Big Springs;²
- Growth medium (soil) stockpiles and construction material borrow pits; and
- Exploration to further delineate ore zones and target potential mineralized resource areas within the Project Area.

The boundary of the Project Area for the Proposed Action is comprised of approximately 24,779 acres, including 12,687 acres of public land administered by the BLM. Construction and operation of the Project would be initiated in 2015, following Newmont's receipt of all required permits and approvals. The projected Project life is 8 to 14 years, and includes construction, mining and ore processing, and final closure and reclamation.

North Facilities Alternative (BLM Preferred Alternative)

The North Facilities Alternative was designed in response to several environmental issues raised by the BLM Interdisciplinary Team and scoping comments. Under the North Facilities Alternative, most of the Project components and facilities would be moved to the northeastern quadrant of the Project Area. This alternative addresses impacts to several wildlife species, cultural resources, and responds to requests from the Cities related to potential impacts to their water supply (Big Springs and groundwater). The North Facilities Alternative includes the following components and considerations:

- All mine facilities except the pit and a borrow pit would be located farther from Big Springs and other surface water features, such as the wetlands;
- The TSF would be surrounded by the WRSF, reducing the total disturbed area of both facilities. Placement of waste rock around the TSF would further increase geotechnical stability of the TSF, and the same design criteria (i.e., liner, slurry water piping), operational management, and closure methods would be used as if the TSF were a standalone facility. The under-drainage collection tank and pond associated with the TSF would be exterior to both the TSF and WRSF footprint;
- No major facilities, other than the pit, would be positioned on the bedrock aquifer from which Big Springs emanates; all major facilities would be situated over the alluvial aquifer;
- Ground surface at the north location is approximately 30 to 50 feet higher relative to the water table than where facilities would be located for the Proposed Action;
- Impacts to several cultural sites located in the southern portion of the Project Area would be minimized or avoided;
- Activities and noise disturbance near a greater sage-grouse lek would be minimized and mine facilities would be located farther from greater sage-grouse leks;
- The mule deer migration corridor would be greatly enlarged to encompass approximately 2,200 feet between the pit and the WRSF;
- The same power supply design would be employed as for the Proposed Action;

² This component of the Project will have surface disturbance approval in association with the transmission line and water pipeline ROW by the BLM but the water rights for the associated wells will be subject to approval by the State Engineer for the Nevada Division of Water Resources.

- Municipal water supply wells for the Cities would be located in Section 21, T35N, R66E, same as for the Proposed Action;
- The mine production supply well would be located in Section 13, T 36N, R66E;
- Design criteria for individual facilities would be the same as for the Proposed Action;
- Operations, including exploration operations, and reclamation would be the same as described under the Proposed Action;
- County Road 790 would terminate at the north project boundary and public access to the Goshute Valley would be the same as described under the Proposed Action; and
- All best management practices and EPMs would be the same as for the Proposed Action.

The boundary of the Project Area for the North Facilities Alternative is comprised of approximately 24,779 acres. Construction and operation of the Project would be initiated in 2015, following Newmont's receipt of all required permits and approvals. The projected Project life is 8 to 14 years, and includes construction, mining and ore processing, and final closure and reclamation.

No Action Alternative

Under the No Action Alternative, the Plan would not be authorized by BLM and the activities described in the Proposed Action or North Facilities Alternative would not occur. Mineral resources would remain undeveloped and the construction and operation of the proposed mining and mineral beneficiation facilities would not occur. Newmont could continue exploration efforts that are already approved.

BLM's lack of approval of the Plan would not directly affect further mineral development on private land and private mineral rights. However, due to the nature of the area and the locations of public lands, development of the private mineral rights would not be feasible without the use of public lands.

Selection of the No Action Alternative would not preclude a future filing of a different Plan by Newmont or any other authorized mineral rights holder to mine these minerals. Any future plans of operations would need to be addressed in an environmental review (NEPA).

Alternatives Considered but Eliminated from Detailed Analysis

Nine alternatives were identified but were eliminated from further analysis. These included alternatives such as reducing the depth of the open pit, rearranging mine facilities within the Proposed Action, locating the mine elsewhere, underground mining, complete or partial backfilling of the pit, and four power supply alternatives. These nine alternatives were considered relative to their means of addressing the identified purpose and need for the project; their technological and economic feasibility; as well as their potential to address environmental issues and reduce potential impacts. Consideration of these alternatives was made in conjunction with Newmont, the BLM, the Wildlife Working Group (biologists from Newmont, BLM, and NDOW), and cooperating agencies (e.g., NDOW, EPA). Each of these nine potential alternatives was ultimately rejected and not further analyzed in the EIS for the following reasons:

1. Reducing the Depth of the Open Pit - Newmont engineers conducted a detailed analysis in consideration of this potential alternative and concluded that changing the pit design

by reducing its depth would result in a loss of approximately 35 percent of the contained ounces in the ore body. Such a substantial loss in the gold resource would significantly impact the project economics, making the project economically infeasible.

2. Rearranging Mine Facilities within the Proposed Action - Several locations for the mine facilities at the Project Area were evaluated against criteria that included construction and operational costs; depth to groundwater; location relative to the Big Springs Ranch; private versus public land; and intangibles. The facility layout included in the Proposed Action is the most technically and economically suitable arrangement of the alternatives considered during its development.
3. Locating the Mine Elsewhere - There is no technically feasible alternative for location of the open-pit mine because mining must occur at the ore body, which is fixed.
4. Underground Mining - It would not be economically feasible to mine this low-grade, near surface ore body using underground mining techniques.
5. Complete or Partial Backfilling of the Open Pit during Reclamation – Approximately 85 percent of the backfill required for the northern area of the pit would have to be brought from the WRSF after mining operations are completed. As this requires moving waste rock a second time, it would make this alternative uneconomic and thereby the Project economically infeasible. It is also noteworthy that complete backfilling of the pit during reclamation would not be feasible because ore placed on the leach pad or processed in the mill (tailings) could not be returned to the open pit as backfill because it must remain in the lined leach pad or TSF to protect groundwater from potential leachate following operations and reclamation.
6. Other Power Supply Alternatives - A total of five alternatives for supplying power to the Project were analyzed using geographic information system and publicly available resource information. One of the five alternatives was ultimately incorporated into the Proposed Action because it would have the least environmental issues based on percentage of total estimated disturbance, and it would be the least expensive to construct and operate. The other four alternatives were dismissed because there would be costly to construct and operate while also result in greater environmental issues.

PUBLIC INVOLVEMENT

On July 19, 2012, a Notice of Intent to prepare an EIS was published in the Federal Register (Volume 77, No. 139, Thursday, July 19, 2012, Page 42505). Three public scoping meetings were held August 6th, 7th, and 8th in 2012, in Wendover, Utah, and Elko and Wells, Nevada, respectively. The BLM extended the scoping period from the minimum 30 days to 45 days, which ended on September 4, 2012. A total of 34 letters and emails were received in response to the request for public comments regarding the Project and all were considered in preparation of the Draft EIS.

The majority of comments received during the scoping period concerned mitigation or alternatives, or were general comments expressing support for the Project and not substantive. Other comments concerned the impacts the Project would have on water resources, wetlands, vegetation, wildlife and wildlife habitat, special status species, visual resources, air quality, transportation, cultural resources, noise, socioeconomics, and recreation resources. The greatest number of comments was from individuals residing in Elko County, Nevada, followed by

individuals residing elsewhere in Nevada. More information on the scoping process and specific concerns can be found in Section 1.7 and 6.2 of the Final EIS.

On March 21, 2014, a Notice of Availability was published in the Federal Register (Volume 79, No. 55, Friday, March 21, 2014, Page 15773) releasing the Draft EIS to the public for a 45-day comment period. The comment period ended on May 5, 2014. Three public comment meetings were held in 2014 on April 15th, 16th, and 17th, in Wendover, Utah, and Elko and Wells, Nevada, respectively. A total of 34 letters and emails were received in response to the request for public comments on the Draft EIS and all were considered in preparation of the Final EIS. Each comment, as well as a corresponding response, is provided in Chapter 7 and Appendix 7A of the Final EIS.

The EPA published a Notice of Availability for the Final EIS in the Federal Register (Volume 80, No. 6, Friday, January 9, 2015, Page 1430) on January 9, 2015, releasing the Final EIS for public review. The Final EIS is available on the BLM Elko District website at: <http://on.doi.gov/1xYFnbB>.

The BLM received 12 comment letters following the publication of the Final EIS. The comments were reviewed and considered in preparing this ROD. The comments did not identify or present any significant new information that would warrant additional analysis under the NEPA. Comments were received with regard to potential impacts to wetland and riparian resources and cultural resources. As stated previously on page 19, BLM identified additional mitigation measures which could improve the Project, but Newmont did not agree to the measures. The measures are outside the jurisdiction of the agency, and therefore could not be committed in the ROD. The comments and responses can be found in the Administrative Record of the Final EIS at the BLM Wells Field Office.

COOPERATING AGENCY COORDINATION

In addition to the document reviews listed above, regular coordination efforts were performed with the Cooperating Agencies throughout the Project. During the EIS development process, conference calls were held between the BLM, Newmont, and Cooperating Agencies to provide status updates, discuss emergent issues, and gather feedback and information requests from the Cooperating Agencies as needed. Additionally, individual meetings were held between the BLM and the Cooperating Agencies to address individual concerns raised through comments on the Draft EIS and other points in the project. Specific dates and times are documented in the Administrative Record.

NATIVE AMERICAN CONSULTATION AND COORDINATION

Per Executive Order 13175, the BLM is required to establish regular and meaningful consultation and coordination with Native American tribal governments on the development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities. On July 19, 2012, letters soliciting information from Native American Tribes and inviting the Tribes to enter into consultation for the proposed project were sent by the BLM to the ten Tribal governments listed below.

- South Fork Band Council;
- Wells Band Council;
- Shoshone Paiute Tribes of the Duck Valley Indian Reservation;
- Confederate Tribes of the Goshute Indian Reservation;
- Te-Moak Tribe of Western Shoshone;
- Battle Mountain Band Council;
- Yomba Shoshone Tribe;
- Duckwater Shoshone Tribe;
- Elko Band Council; and
- Ely Shoshone Tribe.

In addition, the following non-governmental organizations were contacted:

- Western Shoshone Defense Project;
- Western Shoshone Descendants of Big Smoky; and
- Western Shoshone Committee

Non-government organizations were not provided a consultation letter but rather an information letter. The Bureau of Indian Affairs was also provided an information letter. Similar letters were sent to the above Tribal governments for comment on the Draft EIS and Final EIS on March 19, 2014 and December 31, 2014, respectively. The BLM regularly holds Native American coordination meetings with local tribes and will continue to until Project completion.

On September 3, 2014, The Confederated Tribes of the Goshute Reservation (CTGR) mailed a letter to the BLM regarding the Draft EIS for the Long Canyon Exploration Project. In the letter, the CTGR made generalized comments which needed clarification in order for the BLM to provide responses. On October, 21, 2014, the BLM sent a formal letter to the CTGR reiterating the comments from the September 3 letter and again requested formal government to government consultation. On January 30, 2015, the CTGR sent the BLM a letter both requesting to place the Long Canyon Mine Project on hold and to initiate formal government to government consultation in Ibapah, Utah on February 6, 2015. The BLM attended the meeting as requested and listened to the concerns of CTGR. The CTGR requested that the BLM attend an additional meeting on February 14, 2015 in Wendover, NV to moderate the meeting between CTGR and Newmont. The BLM attended the meeting as requested. On March 21, 2015, the BLM again met with the CTGR to discuss the concerns with the Long Canyon Mine Project. On April 3, 2015, the BLM met with the CTGR for government to government consultation. In the meeting, the BLM hand delivered the draft version of BLM's responses to all the concerns/issues raised to date to the CTGR. CTGR stated they would review the draft responses and provide comments to the BLM by April 8, 2015. The BLM will send the CTGR the final response letter on March 8, 2015.

On February 6, 2015, the South Fork Band sent the BLM a letter of concern for the Long Canyon Project. The BLM District Manager called and spoke to Chairperson Tybo and confirmed a meeting with a tribal member. The District Manger spoke with Tanya Reynolds regarding the letter at this meeting. On, April 7, 2015, the BLM sent a response letter to the South Fork Band.

Government to government consultation is an ongoing process and BLM will continue to consult with the Tribal governments through the life of the project. BLM will also continue to hold regular Native American coordination meetings with local tribes through the life of the project to facilitate further information sharing.

APPEAL STATEMENT

The ROD and BLM's approval of the Plan are subject to appeal pursuant to 43 CFR § 3809.800. An appeal shall be filed not later than 30 days after the date the ROD is issued.

SURFACE MANAGEMENT REGULATIONS (43 CFR 3809)

PLAN OF OPERATIONS APPROVAL

Newmont submitted the Project Plan (NVN-91032) to the BLM, Wells Field Office of the Elko District in March of 2012. The BLM has prepared a Final EIS (DOI-BLM-NV-E030-2013-006-EIS) that analyzed the affected environment, environmental impacts and developed mitigation measures associated with the Project. The Plan has been revised as a result of this analysis to incorporate the Preferred Alternative and mitigation plan.

The proposed Project will be developed primarily on public lands that consist of either: 1) existing disturbance by authorized mining activity; 2) disturbance by authorized mining activity that has been subsequently reclaimed; or 3) land that remains relatively undisturbed. The proposed Project also will take place on previously disturbed and undisturbed private land. Public lands are administered by the United States Department of the Interior, BLM, Elko District, Wells Field Office. The proposed Project will disturb a total of 3,879 acres of public and private land, including the previously authorized exploration disturbance of 394 acres. Approximately 1,707 acres of the disturbance will occur on public lands administered by the BLM including 469 acres of split-estate land with public surface and private mineral estate. Upon completion of mining, the operation will be reclaimed.

Decision

It is my decision to approve the Plan (NVN-91032), as it has been revised to incorporate the Preferred Alternative and mitigation plan. The mitigation plan described in the Final EIS Appendix 2C and in the ROD shall become conditions of approval for this Plan. Along with the mitigation plan, an additional condition of approval is as follows:

No construction will be permitted in the corridor of the Hastings Cutoff until final concurrence with SHPO on the eligibility is completed. A Notice to Proceed (NTP) will be issued once the eligibility determination is complete. The legal land description for

the Hasting Cutoff corridor which shall be avoided until an eligibility determination is complete and a NTP is issued, is as follows:

T.35N., R.66E.

Sec. 1, N½;
3, W½W½;
4, E½;
9, E½, E½W½;
10, W½W½;
15, E½, E½W½;
16, W½W½.

T.36N., R.66E.

Sec. 27, SWSW;
28, S½;
33, ALL;
34, ALL;
35, S½N½, S½;
36, SW.

Newmont may only perform those actions that have been described in the Plan. Separate decision documents will be issued for the connected actions which are included in the Plan and analyzed in the EIS. Newmont must also comply with all other applicable federal, state, and local regulations, including obtaining all necessary permits from the NDEP and other federal, state, and local agencies, and fulfilling any other applicable FLPMA requirements before proceeding with this Project.

Reclamation Cost Estimate – Financial Guarantee Requirements

Based on Newmont's reclamation cost estimate (RCE), the BLM, in concurrence with the NDEP, determined that the required financial guarantee is hereby set at \$20,102,646 for Phase 1. A financial guarantee in this amount must be provided using one or more of the acceptable financial guarantee instruments listed under 43 CFR 3809.555. The guarantee must be submitted, accepted, and approved by the BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada, 89502. Written notification from that office accepting and obligating your financial guarantee must be received before commencement of any surface disturbing operations.

Newmont will also create a long-term trust fund to assure performance of long term post closure monitoring and mitigation obligations of Newmont for the Project pursuant to the Plan approved by the BLM. The long-term trust fund will be funded by a contribution of \$284,350 in 2015 and will be reviewed annually. Creation and funding of the long-term trust fund does not release Newmont from the responsibility to complete the long-term monitoring and mitigation obligations in the Plan, or preclude BLM from requiring further reclamation, monitoring, or mitigation pursuant to 43 C.F.R. Subpart 3809 should conditions warrant. If necessary, this long-term financial assurance may be used by the BLM to complete the post-closure obligations.

The RCE will be updated and reviewed every year unless required more frequently due to plan amendments, inflation, etc.

At a minimum of 2 years prior to commencing the final closure and reclamation, the operator of the Project will submit to the BLM and NDEO a final, permanent closure plan for the heap leach facility and associated ponds with a detailed environmental impact analysis. On the basis of this and any other relevant information, BLM may require additional bonding.

All operators must comply with applicable federal and state laws dealing with the storage and disposal of chemicals, petroleum, petroleum products, Resource Conservation Recovery Act (RCRA) Subtitle C hazardous wastes, and RCRA subtitle D solid wastes. Under no

circumstances can chemicals, petroleum, petroleum products, or RCRA Subtitle C hazardous wastes be disposed in solid waste disposal areas on the mine or mill site without the written approval of the NDEP.

The operator must identify what waste products will be produced, whether the waste streams are hazardous or solid, and the disposal method and location. If hazardous wastes generated, the operator must obtain a U.S. Environmental Protection Agency generator identification number from the NDEP and must manifest all shipments off site. Copies of the manifests must be available for the Authorized Officer's inspection.

Approval of the Project by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the mining operation. Approval of the Project in no way implies the economic viability of the operation. Any modification to the Plan must be coordinated with and approved by the Authorized Officer. Surface occupancy related to the Project is reasonably incidental to the mining and exploration operations.

This Decision is issued pursuant to 43 CFR §3809.803. It is effective immediately and will remain in effect while appeals are pending before the Interior Board of Land Appeals (IBLA) unless IBLA grants a stay under §4.21(b) of this title. The Plan for this Project is hereby approved subject to the conditions of approval required to implement the Project in order to prevent unnecessary or undue degradation. Newmont must conduct operations as described in the Plan, meet the performance standards found at 43 CFR §3809.420 and in accordance with all mitigation measures and conditions of approval.

43 CFR 3809 Appeal Statement

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the BLM State Director in Nevada review this decision. If you request a State Director review, the request must be received in the BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to the BLM Wells Field Office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director.

If the Nevada State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the IBLA. You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the IBLA, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the BLM Wells Field Office, 3900 East Idaho Street, Elko, Nevada, 89801, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a

stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

SURFACE OCCUPANCY REGULATIONS (43 CFR 3715)

The surface occupancy proposed in association with the Project meets the conditions specified in 43 CFR 3715.2 and 43 CFR 3715.5. The BLM is in concurrence with the occupancy of the subject lands. Newmont must continue to comply with the 43 CFR 3715 regulations during operations.

If you are adversely affected by the surface occupancy approved as part of this decision, you may appeal to the IBLA under 43 CFR, Part 4. As the appellant you have the burden of showing that the decision appealed from is in error. This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted..

43 CFR 3715 Appeal Statement

Within 30 days of receipt of this decision, you have the right of appeal to the IBLA, Office of the Secretary, in accordance with the regulations in 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals (Appendix A). Within 30 days after you appeal, you are required to provide a Statement of Reasons to the IBLA and a copy to the Regional Solicitor's office listed in Item 3 on the form. The appellant has the burden of showing that the decision appealed from is in error.

If you appeal this decision, please provide the BLM Wells Field Office with a copy of your Statement of Reasons. This decision, under the provisions of 43 CFR 2800 constitutes a final decision and remains in full force and effect during an appeal unless the Secretary rules otherwise. Refer to 43 CFR §2801.10 for the requirements for filing a petition for stay.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR §2801.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed

below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to IBLA and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided for by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

LEASES, PERMITS AND EASEMENTS (43 CFR 2920)

Land Use Authorization for Split Estate Lands

Newmont has filed a Land Use Application for 469 acres of split estate lands located within the Plan boundary. The land use application is for mining related activities that can't be approved pursuant to 43 CFR §3809 regulations because the minerals are privately owned. The application will be filed pursuant to the 43 CFR 2920 Regulations, at which time it will be assigned a BLM case file number.

The land use was evaluated in the Project EIS. The EIS analyzed the affected environment, environmental consequences or impacts and developed mitigation measures associated with the Project. A separate Lease offer letter will be issued for the Land Use Authorization. The Lease offer letter will include all conditions of approval for the Right-of-Way, including the applicable environmental protection measures and mitigation measures listed on pages 11 through 23.

RIGHTS-OF-WAY GRANT (43 CFR 2800)

Power Supply Pipeline Right-of-Way

A pipeline contractor will submit a ROW application and POD for the gas pipeline, which is described as part of power supply for the proposed Project. The POD will be filed pursuant to the 43 CFR 2800 Regulations, at which time it will be assigned a BLM right-of-way file number. The proposed gas pipeline and associated right-of-way was evaluated as a connected action in the Project EIS.

The EIS analyzed the affected environment, environmental consequences or impacts and developed mitigation measures associated with the Project. The construction and implementation of the connected ROW action will create approximately 277 acres of surface disturbance, including installation of the pipeline and temporary equipment storage and construction areas. A separate Grant offer letter will be issued for the pipeline right-of-way grant. The grant offer letter

will include all conditions of approval for the Right-of-Way, including the applicable environmental protection measures and mitigation measures listed on pages 11 through 23.

Cities Water Supply Right-of-Way

A ROW application and POD for both the transmission line as well as a pipeline associated with the Cities' water would be submitted. This would include approximately 23 acres of total disturbance and 9 acres of disturbance on public lands. A separate Grant offer letter will be issued for the pipeline right-of-way grant. The grant offer letter will include all conditions of approval for the Right-of-Way, including the applicable environmental protection measures and mitigation measures listed on pages 11 through 23.